

Calendar No. 1232

93RD CONGRESS
2^D SESSION

S. 3394

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 1974

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. NELSON (for himself, Mr. HATHAWAY, Mr. ABOUREZK, Mr. TUNNEY, Mr. CHURCH, Mr. HUGHES, Mr. CLARK, Mr. MONDALE, Mr. CRANSTON, Mr. PROXMIRE, Mr. MUSKIE, Mr. HART, Mr. EAGLETON, and Mr. KENNEDY) to S. 3394, a bill to amend the Foreign Assistance Act of 1961, and for other purposes, viz:

1 On page 62, between lines 5 and 6, insert the following
2 new paragraph:

3 “(7) (A) At the end of chapter 1 add the following new
4 section:

5 “SEC. 25. QUARTERLY REPORTS; CONGRESSIONAL
6 APPROVAL.—(a) Not later than fifteen days after the end
7 of each quarter, the President shall transmit to the Speaker
8 of the House of Representatives and the Committee on

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1 Foreign Relations of the Senate a report setting forth the
2 total amount of cash sales from stock under section 21,
3 contracts for the procurement of defense articles or defense
4 services under section 22, credit sales under section 23 of
5 this Act, and guaranties under section 24 of this Act made
6 during the preceding quarter, and the country or interna-
7 tional organization to which such sale, credit sale, or guar-
8 anty is made or expected to be made.

9 ““(b) (1) The President shall transmit to the Speaker
10 of the House of Representatives and the Committee on For-
11 eign Relations of the Senate on the same day a written
12 statement giving a complete explanation with respect to
13 any agreement or contract to sell or to extend credit or
14 guaranties if—

15 ““(A) the amount of such sale, credit sale, or
16 guaranty exceeds \$25,000,000; or

17 ““(B) the amount of such sale, credit sale, or
18 guaranty, when added to the amount of all the sales,
19 credit sales, and guaranties made to that country or
20 international organization in that fiscal year (includ-
21 ing the amount of any sale, credit sale, and guaranty
22 made to that country or international organization under
23 a statement of waiver in accordance with subsection (c)
24 of this section), causes the total amount of sales, credit

1 sales, and guaranties made to that country in that year
2 to exceed \$50,000,000 for the first time.

3 Each such statement shall include an explanation relating to
4 only one agreement or contract to sell or to extend credit
5 or guaranties, and shall set forth—

6 “(i) the country or international organization to
7 which the sale, credit sale, or guaranty is made;

8 “(ii) the amount of the sale, credit sale, or guar-
9 anty;

10 “(iii) in the case of a sale, a description of the
11 defense article or service provided;

12 “(iv) the department, agency, or branch of the
13 United States Armed Forces entering into such contract
14 or agreement; and

15 “(v) the date of such agreement or contract.

16 “(2) (A) No sale, credit sale, or guaranty may be
17 made under such agreement or contract until the end of the
18 first period of thirty calendar days of continuous session of
19 Congress after the date on which the statement is transmitted.

20 “(B) The President may make such sale, credit sale,
21 or guaranty thirty days after the statement has been so trans-
22 mitted unless, before the end of the first period of thirty
23 calendar days of continuous session of Congress after the date
24 on which the statement is transmitted, Congress adopts a

1 concurrent resolution disapproving the sale, credit sale, or
2 guaranty with respect to which the statement is made.

3 ““(3) For purposes of paragraph (2) of this subsec-
4 tion—

5 ““(A) the continuity of a session is broken only by
6 an adjournment of the Congress sine die; and

7 ““(B) the days on which either House is not in
8 session because of an adjournment of more than three
9 days to a day certain are excluded in the computation
10 of the thirty-day period.

11 ““(c) The provisions of paragraph (2) of subsection
12 (b) of this section shall not apply if the President transmits
13 to the Speaker of the House of Representatives and the
14 Committee on Foreign Relations of the Senate a statement
15 of waiver in which he certifies that an emergency exists
16 which requires such waiver in the national security interests
17 of the United States.

18 ““(d) Subsections (e) through (m) of this section are
19 enacted by Congress—

20 ““(1) as an exercise of the rulemaking power of
21 the Senate and the House of Representatives, respec-
22 tively, and as such they are deemed a part of the rules
23 of each House, respectively, but applicable only with
24 respect to the procedure to be followed in the House in
25 the case of resolutions described by this section; and

5

1 they supersede other rules only to the extent that they
2 are inconsistent therewith; and

3 ““(2) with full recognition of the constitutional
4 right of either House to change the rules (so far as relat-
5 ing to the procedure of that House) at any time, in the
6 same manner, and to the same extent as in the case of
7 any other rule of that House.

8 ““(e) For purposes of subsections (d) through (m) of
9 this section, “resolution” means only a concurrent resolution,
10 the matter after the resolving clause of which is as follows:
11 “That the Congress does not approve the (agreement, con-
12 tract) for and explained in the statement trans-
13 mitted to Congress by the President on , 19 .”,
14 the appropriate word within the parentheses being selected,
15 the first blank space therein being filled with the name of
16 the foreign country on whose behalf the sale, credit sale, or
17 guaranty is made, and the other blank space therein being
18 appropriately filled with the date of the transmittal of the
19 statement; but does not include a resolution specifying more
20 than one sale, credit sale, or guaranty.

21 ““(f) If the committee, to which has been referred a
22 resolution disapproving a sale, credit sale, or guaranty, has
23 not reported the resolution at the end of ten calendar days
24 after its introduction, it is in order to move either to dis-

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1 charge the committee from further consideration of the res-
2 olution or to discharge the committee from further considera-
3 tion of any other resolution with respect to the same sale,
4 credit sale, or guaranty which has been referred to the
5 committee.

6 “(g) A motion to discharge may be made only by an
7 individual favoring the resolution, is highly privileged (ex-
8 cept that it may not be made after the committee has re-
9 ported a resolution with respect to the same sale, credit sale,
10 or guaranty), and debate thereon is limited to not more than
11 one hour, to be divided equally between those favoring and
12 those opposing the resolution. An amendment to the motion
13 is not in order, and it is not in order to move to reconsider
14 the vote by which the motion is agreed to or disagreed to.

15 “(h) If the motion to discharge is agreed to, or dis-
16 agreed to, the motion may not be renewed, nor may another
17 motion to discharge the committee be made with respect to
18 any other resolution with respect to the same sale, credit sale,
19 or guaranty.

20 “(i) When the committee has reported, or has been
21 discharged from further consideration of, a resolution with
22 respect to a sale, credit sale, or guaranty, it is at any time
23 thereafter in order (even though a previous motion to the
24 same effect has been disagreed to) to move to proceed to
25 the consideration of the resolution. The motion is highly

1 privileged and is not debatable. An amendment to the
2 motion is not in order, and it is not in order to move to
3 reconsider the vote by which the motion is agreed to or dis-
4 agreed to.

5 “(j) Debate on the resolution is limited to not more
6 than two hours, to be divided equally between those favoring
7 and those opposing the resolution. A motion further to limit
8 debate is not debatable. An amendment to, or motion to
9 recommit, the resolution is not in order, and it is not in
10 order to move to reconsider the vote by which the resolu-
11 tion is agreed to or disagreed to.

12 “(k) Motions to postpone, made with respect to the
13 discharge from committee, or the consideration of, a resolu-
14 tion with respect to a sale, credit sale, or guaranty, and
15 motions to proceed to the consideration of other business,
16 are decided without debate.

17 “(l) Appeals from the decisions of the Chair relating
18 to the application of the rules of the Senate or the House of
19 Representatives, as the case may be, to the procedure relat-
20 ing to a resolution with respect to a sale, credit sale, or
21 guaranty are decided without debate.

22 “(m) If, prior to the passage by one House of a con-
23 current resolution of that House, that House receives from
24 the other House a concurrent resolution of such other House,
25 then—

1 “(1) the procedure with respect to the concurrent
2 resolution of the first House shall be the same as if no
3 concurrent resolution from the other House had been
4 received; but

5 “(2) on any vote on final passage of the concur-
6 rent resolution of the first House the concurrent resolu-
7 tion from the other House shall be automatically substi-
8 tuted.’

9 “(B) Section 35 (b) of such Act is repealed.”.

10 On page 62, line 6, strike out “(7)” and insert in lieu
11 thereof “(8)”.

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